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12 UNITED STATES DISTRICT COURT

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14 NORTHERN DISTRICT OF CALIFORNIA

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16 E. I. DU PONT DE NEMOURS AND
17 COMPANY,

18 Plaintiff,

19 v.

20 USA PERFORMANCE TECHNOLOGY,
21 INC., PERFORMANCE GROUP (USA),
22 INC., WALTER LIEW, and JOHN LIU,

23 Defendants.

24) Case No. 3:11-cv-01665-JSW

25) **JOINT STATUS REPORT AND**
26) **~~PROPOSED~~ ORDER EXTENDING**
27) **STAY OF ACTION**

28) AND ADMINISTRATIVELY CLOSING CASE

1) Judge: Hon. Jeffrey S. White

2) Hearing Date: None

3)
4 Pursuant to the Court's June 23, 2014 Order, Plaintiff E. I. du Pont de Nemours and
5 Company ("DuPont") and defendants Walter Liew and USA Performance Technology, Inc.
6 (collectively "USAAPT") submit this Joint Status Report. The parties request that the stay in this
7 matter set to expire on July 30, 2014, remain in place until resolution of the defense's
8 forthcoming appeal in the related criminal case, *United States v. Walter Liew and Christina Liew*,
9 No. CR-11-0573-JSW.

10)
11 On April 6, 2011, DuPont filed the instant suit. (Docket # 1.) Defendants filed their
12 Substituted Answer and Counterclaim on July 11, 2011. (Docket # 35.) The action was first
13 stayed July 22, 2011 in light of the criminal prosecution. (Docket # 39.)

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1 On August 23, 2011, the United States filed *United States v. Walter Liew and Christina*
 2 *Liew*, No. CR-11-0573-JSW. On February 7, 2012, the United States filed a superseding
 3 indictment in said action. (*Id.* at Docket # 64.) On March 12, 2013, the United States filed a
 4 Second Superseding Indictment. (*Id.* at Docket # 269.) On or about January 7, 2014, trial
 5 commenced in the criminal action. On March 5, 2014, the jury returned its verdict, finding Mr.
 6 Liew and USAPTI guilty of all counts with which they were charged. (*Id.* at Docket # 804.) Mr.
 7 Liew and USAPTI were sentenced by this Court on July10, 2014. (*Id.* at Docket # 891; *see also*
 8 *id.* at Docket # 893 (Judgment entered against Walter Liew); *id.* at Docket # 895 (Judgment
 9 entered against USAPTI).)

10 The parties understand that the defense has engaged appellate counsel in the criminal
 11 action and intends to appeal the jury's verdict. (*Id.* at Docket # 868 (associating Dennis Riordan
 12 as counsel for Walter Liew). Until the appeal is decided, the future course of this civil litigation
 13 cannot be determined. Accordingly, the parties respectfully request that the Court extend the stay
 14 in this action until the appeal in the criminal matter has concluded.

15 Dated: July 23, 2014

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By /s/ Morgan K. Lopez
 20 Attorneys for Plaintiff

21 Dated: July 23, 2014

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By /s/ Daniel S. Mount
 25 Attorneys for Defendants USA Performance
 26 Technology, Inc., and Walter Liew

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1 **[PROPOSED] ORDER**

2 Having read and considered the Joint Status Report,

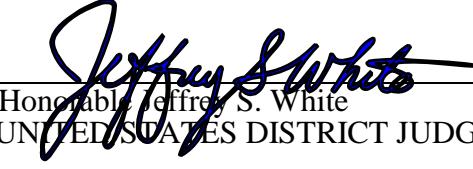
3 **IT IS ORDERED THAT:**

4 The parties' request that the stay be extended until resolution of the appeal in *United*
5 *States v. Walter Liew and Christina Liew*, No. CR-11-0573-RS is hereby GRANTED. Within 30
6 days of the appeal's resolution, counsel shall submit a joint status report so advising the Court
7 and indicating how they intend to proceed. The Clerk shall administratively close this case.

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9 July 23, 2014

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Honorable Jeffrey S. White
UNITED STATES DISTRICT JUDGE

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